

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOBBY KNIGHT,

Plaintiff,

v.

B. EDWARDS,

Defendant.

Case No. 1:20-cv-01325-NONE-EPG (PC)

**ORDER ON SETTLEMENT
CONFERENCE PROCEDURES**

Date: May 4, 2021
Time: 10:30 a.m.

This matter is set for a settlement conference before the undersigned on May 4, 2021.
(Doc. 30.) The Court herein sets conference and pre-conference procedures.

Accordingly, the Court ORDERS:

1. The settlement conference will be conducted over Zoom. Defense counsel shall arrange for Plaintiff's participation. Prior to the conference, counsel shall contact the undersigned's courtroom deputy at wkusamura@caed.uscourts.gov to arrange for the Zoom videoconference connection information. The Court will issue a writ of *habeas corpus ad testificandum*, as appropriate.
2. Each party or a representative with full authority to negotiate and enter into a binding settlement agreement shall participate in the conference. The failure of any counsel, party, or authorized person subject to this order to participate in the conference may result in the imposition of sanctions.

1 3. Consideration of settlement is a serious matter that requires thorough preparation prior
2 to the settlement conference. Participants in the conference must be prepared to
3 discuss the claims, defenses, and damages.

4 4. The parties shall engage in informal settlement negotiations as follows:

5 **No later than March 19, 2021**, Plaintiff shall submit to Defendant, by mail, a written
6 itemization of damages and a meaningful settlement demand, including a brief
7 explanation of why such settlement is appropriate, which should not exceed 5 pages.

8 **No later than April 9, 2021**, Defendant shall respond, by mail or telephone, with an
9 acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief
10 explanation of why such settlement is appropriate.

11 If settlement is achieved, the parties shall file a Notice of Settlement as required by
12 Local Rule 160.

13
14 5. If settlement is not achieved informally, the parties shall submit confidential
15 settlement conference statements **no later than April 20, 2021**.

16 Defendant shall email his statement to skoorders@caed.uscourts.gov. Plaintiff shall
17 mail his statement, clearly captioned "Confidential Settlement Conference Statement,"
18 to United States District Court, Attn: Magistrate Judge Sheila K. Oberto, 2500 Tulare
19 Street, Room 1501, Fresno, CA 93721.

20 Once the parties have submitted their statements, they shall file a "Notice of
21 Submission of Confidential Settlement Conference Statement" with the court. The
22 confidential settlement conference statements themselves **should not be filed** with the
23 court **nor served** on the opposing party.

24
25 6. The confidential settlement conference statements should be no longer than 5 pages in
26 length, typed or neatly printed, and include:

27 a. A brief summary of the facts of the case;

28 b. A brief summary of the claims and defenses of the case, i.e., the statutory,

- 1 constitutional, or other grounds upon which the claims are founded;
- 2 c. A forthright discussion of the strengths and weaknesses of the case and an
- 3 evaluation of the likelihood of prevailing on the claims or defenses, from the
- 4 party's perspective, and a description of the major issues in dispute;
- 5 d. An estimate of the party's expected costs and time to be expended for further
- 6 discovery, pretrial matters, and trial;
- 7 e. A summary of past settlement discussions, including the informal settlement
- 8 negotiations required above; a statement of the party's current position on
- 9 settlement, including the amount the party would offer and accept to settle (in
- 10 specific dollar amounts); and a statement of the party's expectations for settlement
- 11 discussions;
- 12 f. A list of the individuals who will be attending the conference on the party's behalf,
- 13 including names and, if appropriate, titles; and,
- 14 g. If a party intends to discuss the settlement of any other actions or claims not raised
- 15 in this suit, a brief description of each action or claim, including case number(s), as
- 16 applicable.

17 IT IS SO ORDERED.

18 Dated: March 3, 2021

19 /s/ Sheila K. Oberto
20 UNITED STATES MAGISTRATE JUDGE